



At Work, Application of Pot Laws Remains Hazy

News

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The article, “At Work, Application of Pot Laws Remains Hazy,” featured in the *Albuquerque Journal*, addressed the blurred lines of marijuana laws in the workplace.

Richard Meneghello, who works with Washington state and Oregon businesses on marijuana issues as managing partner of Fisher Phillips in Portland, said the most common questions from employers used to focus on how to enforce zero-tolerance policies for pot, but that has changed.

“In the last two years, it’s slowly shifted,” he said. “Now the more frequent phone call is, ‘Gee, if we really prohibit anyone from having marijuana in their system in the workplace we might not have many employees.’ And this especially comes in the hospitality industry and retail industry and other industries where apparently people have the feeling that a lot of their hourly workers are using recreational marijuana.”

“It’s a patchwork of differing regulations for employers across the country, and this November is just going to increase that patchwork by some degree,” he said.

For now, Rich said he advised companies to keep zero-tolerance policies, citing “the nightmare scenario of the employee taking the company car for a delivery and mowing somebody down and testing positive for marijuana.”

But he said that attitudes had loosened: “What I say to them is to tell your employees you’re not going to walk around and be a narc and try to be a detective and try to determine what they were doing in their off-hours — you’re only going to care about it if they demonstrate signs that they’re impaired at work.”

Rich said a growing number of employees who preferred marijuana over drinking felt singled out by drug testing because THC, the active ingredient in pot, remained in the bloodstream much longer than alcohol. An employee who gets “completely blotto” with alcohol on Friday night and Saturday and shows up to work on Monday with a splitting hangover will pass a drug test, while an employee who last smoked a joint three weeks ago might fail, he said.

“It is unfair,” Rich said. “I do get this a lot. I hear employees complain.”

To read the full article, please visit the [*Albuquerque Journal*](#).

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